



DSW

Attorney Docket No. **8401.05**

Customer No. **37833**

Confirmation No. **5004**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE *PATENT* APPLICATION OF:

APPLICANT : **ERLING A. FREUDENDAHL**

APPL. NO. : **10758,110**

ART UNIT : **3753**

FILED : **JANUARY 16, 2004**

EXAMINER: **RIVELL, JOHN A..**

TITLED : **HYDRANT KNOCK-OFF COMBINATION FLOW STOP
AND BACKFLOW CHECK VALVE**

MAIL STOP AMENDMENT
COMMISSIONER FOR PATENTS
P.O. BOX 1450
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RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In the Office Action dated March 2, 2006, the Examiner required restriction under 35 U.S.C. § 121 prior to an examination on the merits of the above-identified application. The separate inventions identified by the Examiner are as follows:

- I. Claims 1-19, drawn to a frangible hydrant including a check valve function.
- II Claim 20, drawn to a hydrant including only a backflow preventer.

The Examiner states that the inventions of Groups I and II are related as combination and subcombination. In order to establish that the separate inventions of Groups I and II are distinct, the Examiner asserts that the combination of Group I does not require the particulars of the Group II

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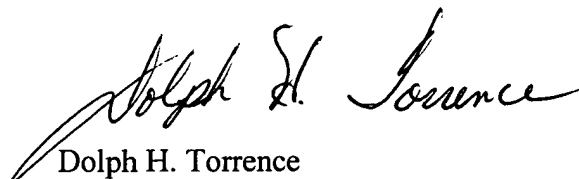
subcombination, namely the detains, for patentability. The Examiner further alleges that the subcombination of Group II has other utility, "such as in a freezeless wall mounted spigot."

In compliance with the Examiner's restriction requirement, Applicant provisionally elects with traverse for further prosecution the invention defined by Claims 1-19 (designated as Group I).

Notwithstanding the propriety of the restriction requirement for examination purposes, Applicant contends that he should be entitled to a consideration of a reasonable number of related embodiments falling within the scope of a generic inventive concept. Moreover, it would appear that a search and examination of the entire application could be accomplished without a serious burden on the Examiner since the multiple embodiments identified of record would seemingly encompass a common field of search.

For the foregoing reasons, it is respectfully requested that the Examiner withdraw the restriction requirement and issue an action on the merits of the claimed embodiments presently in the application. Alternatively, should the Examiner maintain the requirement, Applicant awaits a complete action on the merits of the elected subject matter.

Respectfully submitted,



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